

# IX. Essential Public Facilities Element

## Introduction

### Purpose and Intent

The vision for Duvall is to be a small town that retains a sense of the rural lifestyle. Although Duvall's desire is to retain its small town atmosphere, state law requires that the City allow for the siting of essential public facilities.

### State Requirements and Definitions

The Growth Management Act (GMA) requires that counties and cities planning under RCW36.70A.040 include a process for the identification and siting of "essential public facilities" (EPF). Essential public facilities can be government owned and operated facilities or privately owned facilities that are regulated by public entities. RCW 36.70A.200 states that essential public facilities are "those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020". This definition is not considered all-inclusive, but provides examples of facilities that are difficult to site. Expansion of facilities that are considered EPFs or that support EPFs are to be handled in the same manner as an EPF. The requirement to adopt a process for siting of essential public facilities is due to the difficulties that are associated with finding suitable locations for these types of facilities, typically due to perceived or real environmental, social or economic costs. Facility size, location, and adverse impacts such as noise, odor, pollution, traffic impacts, aesthetics, and health and safety concerns are examples of some of the characteristics that make EPFs difficult to site. Experience shows that there is often public opposition when jurisdictions or service providers consider new locations for essential public facilities. However, RCW 36.70A.200(5) states, "No local comprehensive plan or development regulation may preclude the siting of essential public facilities".

Recent legislation requires cities and counties to establish a process for siting "secure community transition facilities" (SCTF). The local permit and review process for EPFs shall be extended to SCTF.

### Inventory of Essential Public Facilities

The city of Duvall has no identified EPFs. State Route 203 is not a highway of statewide significance and is not considered an EPF.

## Goals and Policies

### Goal EPF – 1                      Develop and implement a process for siting essential public facilities.

#### *Policies*

#### EPF – 1.1

Following is the process for siting essential public facilities:

- a. An agency or organization requests in writing that a proposed facility be reviewed through Duvall's essential public facilities siting process. This request should be in the form of a letter to the Planning Director, addressing the criteria in EPF-1.1.2.
- b. The Planning Director shall review this request and grant it if the following criteria are met:
  - (1) The facility meets the definition of essential public facility defined in the state requirements and definitions section of this element;
  - (2) The facility is a type difficult to site because of one of the following:
    - (a) the facility needs a type of site of which there are few sites,
    - (b) the facility can locate only near another public facility,
    - (c) the facility has or is generally perceived by the public to have significant adverse impacts that make it difficult to site, or
    - (d) the facility is of a type that has been difficult to site in the past;
  - (3) It is likely this facility will be difficult to site, and;
  - (4) There is need for the facility and Duvall is in the facility service area.
- c. The Planning Director shall determine if the facility serves a regional, countywide, statewide or national need. If it does, the Director may condition the review with a requirement that the review process consider sites in parts of the service area outside Duvall. If the facility serves a regional, countywide, statewide or national need, a multi-jurisdictional planning process should be used.
- d. The facility shall be reviewed in the same manner as a conditional use permit or a rezone, if one or more potential sites would require a rezone, as modified by this policy. Where more than one local government is involved in the review process, Duvall staff shall participate in the review process and use the data, analysis and environmental documents prepared in that process in the City's review, if Duvall determines those documents are adequate. If the facility would require a variance or other development permit, those approvals also shall be decided through the conditional use permit or rezone process. The City Council shall be the decision maker for all land use actions related to essential public facilities.
- e. The Planning Director shall require that the facility siting process include a public involvement component that meets the following standards:

1. At least one public hearing before the City Council shall be held with notice given in the same manner as a privately initiated, quasi-judicial application.
  2. An additional public involvement process that gives those who live near the proposed site or sites and those who will use the facility, where appropriate, the opportunity to affect the design and location of the facility. This process may be regional or local.
  3. The potential impact of the proposed facility should be taken into account in deciding the nature of the public involvement process. The public involvement process shall involve those within the zone of likely and foreseeable impacts.
  4. The public involvement process shall address the criteria in EPF-1.1.7, including the need for the facility.
- f. An analysis of the facility's impact on City finances shall be undertaken. If the study shows that locating a facility in a community would result in a disproportionate financial burden on the community, an agreement should be executed to mitigate the adverse financial impact or the approval shall be denied.
- g. The following criteria shall be used to decide the application:
- (1) Whether there is a public need for the facility.
  - (2) The impact of the facility on the surrounding uses and environment, the City and the region.
  - (3) Whether the design of the facility or the operation of the facility can be conditioned, or the impacts otherwise mitigated, to make the facility compatible with the affected area and the environment.
  - (4) Whether city or county services, businesses, and public transportation are sufficient to accommodate the proposed use.
  - (5) Whether a package of incentives can be developed that would make siting the facility within the community more acceptable.
  - (6) Whether the factors that make the facility difficult to site can be modified to increase the range of available sites or to minimize impacts on affected areas and the environment.
  - (7) Whether the proposed essential public facility is consistent with the Duvall Comprehensive Plan.
  - (8) If a variance is requested, the proposal shall also comply with the variance criteria.
  - (9) Essential public facilities shall comply with any applicable state siting and permitting requirements.

EPF – 1.2      Siting of EPFs shall be consistent with the King County Countywide Planning Policies.

EPF – 1.3 Essential public facilities should be equitably located throughout the City, County and state. No jurisdiction should receive a disproportionate share of EPFs.

EPF – 1.4 The City shall participate in a cooperative inter-jurisdictional approach to the siting of essential public facilities in accordance with the King County Countywide Planning Policies.

**Goal EPF – 2                    Establish and update as necessary the definition of “essential public facilities”.**

***Policies***

EPF – 2.1 A facility should be classified as an essential public facility if it has one or more of the following characteristics:

- a. The facility meets the Growth Management Act definition of an essential public facility;
- b. The facility is on a state, county, or city list of essential public facilities;
- c. The facility services a significant portion of the county or region or is part of a countywide service system;
- d. The facility is the sole existing facility in the county for providing that essential public service; or
- e. Similar facilities as determined by the planning director.

**References**

City of Redmond (1995). City of Redmond Comprehensive Plan. Redmond, WA.

City of Sammamish (September 2003). City of Sammamish Comprehensive Plan. Sammamish, WA.